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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,257	07/11/2001	Steven M. Cohn	2003034-0002	9439
22204	7590	03/27/2006		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/903,257	<b>Applicant(s)</b> COHN ET AL.	
	<b>Examiner</b> Marissa Thein	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4 and 6-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 5, 2006 has been entered.

### ***Response to Amendment***

Applicants' "Amendment" filed on January 5, 2006 has been considered.

Applicants' response by virtue of amendment to claim 17 have overcome the Examiner's rejection of such claims under 35 USC 101.

Claims 1, 7, 9, 11-12, 16, and 17 are amended. New claims 18-31 are added. Claims 1, 4, and 6-31 remain pending in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "...on-line directory of sellers" is sellers the vendors. It is unclear if Applicant is referring back to sellers as vendors.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 4, 6-8, 10-14, 16-27, and 29-31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,968,513 to Rinebold et al.**

Regarding claim 1, Rinebold discloses an apparatus connecting buyers and seller of products and services (goods and services, col. 11, lines 29-30) comprising: a comprehensive directory of companies (col. 11, lines 19-22; col. 16, lines 41-52; Figures 13-14); a user maintained database of registered and subscribing companies selected from the comprehensive directory (col. 11, lines 24-26; col. 14, lines 6-7; col. 17, lines 9-35; col. 18, lines 29-30); service-brokering tools (col. 11, lines 40-57; Figure 13); registering means (col. 11, lines 24-34; col. 14, lines 6-7; col. 17, lines 9-35; col. 18, lines 29-30); contacting means (col. 14, lines 3-21); searching means (col. 13, lines 14-19), based on geographical boundaries (col. 12, lines 12-19; col. 13, lines 19-21); assigning means denoting a weighted importance to provider characteristics associated with each subscribing buyer and seller using object affiliations to indicate a level of presence each object is given in the directory, wherein the level of presence is based upon company profile, search result positioning and access to request for proposals to

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afford each subscribing buyer and seller to be listed in multiple brands (col. 16, lines 28-47; col. 19, lines 40-50; col. 21, lines 35-55); ordering means for ranking buyers and seller according to the weighted importance of provider (col. 16, lines 28-47); branding means (col. 11, lines 29-41; col. 14, lines 64 – col. 15, line 6; col. 19, lines 17-30; col. 19, lines 51-54); and internal mechanism (col. 10, lines 25-col. 11, line 16; col. 25, lines 46-64; Figure 54).

Regarding claims 4 and 6, Ross discloses the object that can be used to generate private label interface-specific HTML; and a mechanism to synchronize partner information (col. 11, lines 29-41; col. 14, lines 64 – col. 15, line 6; col. 19, lines 17-30; col. 19, lines 51-54; col. 25, lines 46-col. 26, line 16).

Regarding claims 7-8, 12-13, 15, 19, and 22-27, Rinebold discloses means for collecting, storing, sharing requests for proposals (col. 13, line 61 – col. 14, line 21; col. 16, lines 28-36); means for geographical radius searching (col. 12, lines 12-19; col. 13, lines 14-21); and means for partner web site branding (col. 11, lines 29-41; col. 14, lines 64 – col. 15, line 6; col. 19, lines 17-30; col. 19, lines 51-54; col. 22, lines 53-63; col. 20, lines 39-60; col. 25, line 65 – col. 26, line 16); a data sharing engine (col. 13, line 61 – col. 14, line 21); means for subscription a request brokering engine (col. 11, lines 24-26; col. 14, lines 6-7; col. 17, lines 9-35; col. 18, lines 29-30); a request for brokering engine (col. 11, lines 40-57; Figure 13); an object catalog manager (col. 22, lines 32-52); means for a catalog synchronization process (col. 10, lines 25-col. 11, line 16; col. 22, lines 32-52; col. 25, lines 46-64). Furthermore, Rinebold discloses a request notification mechanism generates targeted communication to providers when a new request for

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proposal is posted, which includes means for accessing the newly posted request for proposal (col. 14, lines 1-2; col. 14, lines 14-17; col. 18, line 66 – col. 19, line 6; col. 21, lines 34-63); the request notification mechanism further generates a communiqué to buyers when a provider submits a response to the buyer's request for proposal (col. 14, lines 1-2; col. 14, lines 14-17; col. 18, line 66 – col. 19, line 6; col. 21, lines 34-63); the request aging process mechanism communicates with buyers when a buyer's request for proposals is about to expire and when out-of-date requests for proposals are not acted upon by buyers (col. 25, lines 46-52); an object catalog manager maintains information regarding the web community related to buyers and providers and the request for proposals (col. 11, lines 17-27; col. 11, lines 40-57; col. 22, lines 53 – col. 23, line 9); means for a catalog synchronization processor deploys the partner web sites across a load-balance farm of web servers and synchronizes memory caches on each of the web servers (col. 10, lines 25-col. 11, line 16; col. 22, lines 53- col. 23, line 9; col. 25, lines 8-18)

Regarding claims 10-11 and 14, 16, Rinebold discloses a partner management tool; a brand distribution service; a partner-branding framework; a web server with software having encapsulating technologies; programming objects; a template; navigating to a private labeled interface; clicking a registration hyperlink; selecting a subscription package; building a profile of a company; categorizing the provide by selecting main categories and sub-categories; and creating an affiliation (col. 10, lines 25-col. 11, line 16; col. 11, lines 29-41; col. 14, lines 64 – col. 15, line 6; col. 19, lines

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17-30; col. 19, line 39-col. 20, line 3; col. 25, lines 46-col. 26, line 16; col. 20, lines 39-60)

Regarding claims 17-18, Rinebold discloses the method for connecting buyer and sellers of products and services comprising: maintaining a comprehensive online directory of sellers (col. 11, lines 19-22; col. 16, lines 41-52; Figures 13-14); providing a request for proposal application for integration into a web site (col. 14, lines 1-17; col. 21, line 9 – col. 22, line 31); co-branding the request for proposal application with buyer and seller information (col. 21, line 9 – col. 22, line 31); maintaining a searchable directory of companies (col. 13, lines 14-19); providing an e-commerce infrastructure (col. 20, lines 39-48); and marketing a private-labeled web site of said buyer partner (col. 21, line 9 – col. 22, line 31); and providing usage and revenue reports that detail usage on the private-labeled web site of the buyer partner (col. 22, lines 32-52).

Regarding claim 20, Rinebold discloses the data sharing engine includes: a database that stores data from partner web sites; a private label interface; and a partner parent site (col. 11, lines 29-38; col. 20, lines 39-60; col. 25, line 65 – col. 26, line 16).

Regarding claim 21, Rinebold discloses the subscription sales processor provides termed presence including: a company profile; a search result positioning mechanism; and access to the requests for proposals (col. 16, lines 28-36; col. 16, lines 42-47; col. 17, lines 19-44; col. 19, lines 57-col. 20, line 4).

Regarding claims 30-31, Rinebold discloses a site branding system to co-brand the request for proposal; a partner management tool; a brand distribution service; and a

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partner branding framework (col. 11, lines 29-38; col. 20, lines 39-60; col. 25, line 65 – col. 26, line 16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 9, 15, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,968,513 to Rinebold et al. in view of U.S. Patent No. 5,991,739 to Cupps et al.**

Rinebold substantially discloses the claimed invention, however, it does not explicitly disclose GeoCode table relating latitude and longitude information and to generate unique longitude and latitude coordinates. Rinebold discloses geographically area (abstract) and inputting of zip codes (col. 12, lines 12-15).

Cupps, on the other hand, teaches GeoCode table relating latitude and longitude information and to generate unique longitude and latitude coordinates (col. 6, lines 31-44).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Rinebold, to include GeoCode table relating latitude and longitude information and to generate unique longitude and latitude coordinates, as taught by Cupps, in order to determine a buyers specified geographic area is within a particular area of service (Cupps, col. 6, lines 19-21).



***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, and 6-31 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

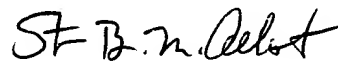
U.S. Patent No. 5,930,474 to Dunworth et al. a software interface which acts to organize information available on the Internet based upon geographical distribution.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot  
March 20, 2006



**STEVE B. MCALLISTER**  
**PRIMARY EXAMINER**